

**Hot Topics****Continued Air Quality Exceedances in Southern New England**

On July 14, a monitor in Martha's Vineyard recorded ozone levels of 0.074 parts per million, exceeding the 2015 8-hour ozone NAAQS. This was the 8th day this summer that a New England state has recorded an ozone exceedance.

**Brayton Point Offset Proposal for Offshore Wind**

On July 12, MassDEP proposed crediting of NOx and VOC emissions offsets based on emissions reductions resulting from the permanent shut-down of Brayton Point Station power plant in Somerset, MA. MassDEP will make the NOx and VOC offsets available for use in OCS air quality permits issued by EPA for offshore wind energy projects for which Massachusetts is designated the Corresponding Onshore Area in accordance with 40 CFR Part 55.

**EPA and DOJ File CAA 112(r) Judicial Settlement for Meat Processing Company in MA**

On July 11, the federal District Court of Massachusetts entered a Stipulation of Settlement resolving alleged violations by Kayem Foods, Inc. The company, a meat processor located in Chelsea, Massachusetts, has an industrial refrigeration system that uses ammonia as a refrigerant. The Stipulation of Settlement will resolve claims that Kayem Foods violated seven Risk Management Plan (RMP) requirements. The settlement requires a monetary penalty of \$138,281. EPA had previously performed an inspection at the request of Chelsea Fire Department. The facility is in an area of environmental justice concern.

**Ice Rink Sector MOU**

On July 10, the North East Ice Skating Manager Association (NEISMA) signed an MOU with EPA Region 1. Implementation of this MOU provides an agreed-upon approach for collaborative work designed to share information and provide assistance to ice skating rinks in New England. The goal of this outreach is to help ice skating rinks comply with environmental regulations and to improve the environment and protect the public health of workers, customers, and the public.

**Boiled Dental Amalgam Fall River, MA - Mercury Release Site Update**

The region is still working on response efforts to remediate the mercury released in a Fall River, MA home earlier this year (when a resident boiled teeth with mercury in them). During heating and venting work last week, the response teams came across additional mercury in some of the floor boards and switched approaches back to mechanical removal of mercury (scraping sections of the floor, coating the floor with HgX solution, and MercVac beaded mercury). START has completed clearance screening of the 3 West, 3 East, and 2 West apartments. These apartments were cleared and met the 1,000ng/m<sup>3</sup> ATSDR/EPA requirement.

**Survey of a Cape Cod cranberry bog using an Unmanned Aerial Vehicle (UAV)**

On July 16-17, staff from the R1 lab, water division, and OPA, as well as scientists from ORD's Narragansett Lab were on Cape Cod surveying a cranberry bog with UAV contractors. This was a pilot project for testing this new-to-EPA technology, its capabilities and effectiveness, and the ease of use in the field. The project used aerial imaging to map vegetation, springs, and surface

water flow over a 12-acre section of the bog where the landowner, local township, and a local NGO are working with a team from ORD to develop a wetland restoration plan. Staff observed several mission flights and viewed the raw data in the field along with short demonstrations and discussions on various data display and processing options. The field research team estimated that to match the areal coverage provided by the UAV in just a few flights, it would take at least several weeks of field work (and would still not match the granularity of UAV data obtained).

#### **NuBrite Chemical Company, Taunton, MA**

Region 1 received the signature pages to the final Administrative Order on Consent (AOC) and it is being routed internally for signature this week. This was a very successful negotiation as the potentially responsible parties (PRPs) have agreed to perform the removal action, which consists of the removal of PCB contaminated soils greater than 100 ppm and placement of a TSCA compliant cap over the remaining soils, while also agreeing to pay for all of EPA's past costs, interim costs, and future costs (100% cost recovery).

#### **Upcoming Major Decisions and Events**

##### **Centredale Manor Site**

Region 1 plans to issue the Explanation of Significant Differences (ESD) for changes to the 2012 ROD for public comment on Thursday, July 18. The comment period will run from July 18 to August 16. Changes to the 2012 ROD include: changes to disposal options that allow disposal in a solid waste landfill for the majority of contaminated material; deferral to RI groundwater classification; and a modification of the source area remedy based on a pre-design investigation of buried waste in the source area.

**Hot Topics****Acting Deputy Administrator Henry Darwin Visits Region 2**

Acting Deputy Administrator Henry Darwin visited Region 2 on 7/19 to oversee implementation of the Lean Management System and meet with bowling chart coordinators, frontline supervisors, ELMS champions, problem-solvers and senior leadership. RA Lopez joined DA Darwin for all engagements with Region 2 staff.

**U.S. Virgin Islands 2018 303(d) list and 305(b) Integrated Report**

The U.S. VI submitted its 2018 integrated water quality assessment report to Region 2 for review and approval on 7/15. The U.S. VI public noticed the draft list on 10/25/18 and received public comments (mostly concerning the assessment methodology) but no changes were made from the draft to the final impaired waters list as a result of comments received. The U.S. VI's final 2018 303(d) list is not considered controversial. Region 2 plans to fully approve the list.

**Kinder Morgan Liquids Terminals, Staten Island, NY**

The site is currently being used as a petroleum bulk-storage terminal. Cleanup is being performed under an EPA RCRA 3008(h) corrective action order on consent with current owner/operator Kinder Morgan and former owner/operator ExxonMobil as joint respondents. The site is also subject to NYSDEC's closure requirements, as a major oil storage facility, which overlap with RCRA corrective action. Staten Island Marine Development (SIMD) informed Region 2 of its intent to purchase the site from Kinder Morgan, decommission petroleum storage tanks and associated piping, investigate, enhance and expedite cleanup of the remaining solid waste management units and areas of concern, and make the site available for development of proposed 2.5 million square-foot of industrial warehousing. In recent discussions NYSDEC, which is authorized for corrective action, requested Region 2 approval to negotiate a separate comprehensive administrative consent order covering the remaining cleanup activities at the site and long-term site management. A state order is supported by SIMD and the EPA-order respondents. The project is expected to create 2,500 permanent new jobs for the City of New York.

**Upcoming Major Decisions and Events****Smart Sectors**

Region 2 is coordinating an Ag Sector Smart Sectors launch on 9/4-5 in Cortland, NY. We are working with the Upper Susquehanna Coalition as a local partner, and with the Office of Policy, to develop the two-day event. RA Lopez and Region 3 staff are participating. Tate Bennett, Associate Administrator for the Office of Public Engagement and Environmental Education, also has been invited.

**NY-NJ Harbor & Estuary Program**

On 7/23-25, Region 2 is scheduled to participate in the 5-year performance evaluation visit of the NY-NJ Harbor & Estuary Program (HEP). This visit will consist of travel to several sites in the HEP study area, including the Passaic River, the Bronx River, Randall's Island Park and Governor's Island. Also scheduled to participate in this evaluation visit are representatives from EPA HQ, the Hudson River Foundation and the Barnegat Bay Estuary Program. Region 2 and EPA HQ will follow up the visit with a jointly-prepared review letter.

**Urban Waters Federal Partnership, Newark, NJ**

The Lower Passaic River UWFP will conduct a boat tour on the Lower Passaic River on 7/23. The tour will begin at the revitalized Newark Riverfront Park and will include sights and information sharing along the way about partner projects including the Diamond Alkali site and the Dundee Park Expansion. Representatives from Region 2 and EPA HQ Partnership Programs Branch, the non-profit Trust for Public Lands, the NY-NJ Harbor & Estuary Program, the Hackensack Riverkeeper and other UWFP partners will participate in the tour.

**Hot Topics****Erie Coke- Proposed Settlement**

On July 12<sup>th</sup>, Erie Coke and the Pennsylvania Department of Environmental Protection (PADEP) jointly released details of a proposed settlement that Erie Coke proposed on July 5 to the state's Environmental Hearing Board. Erie Coke pledges to spend \$3.1 million on upgrades at its facility and put \$1 million into escrow. PADEP cautions it still has concerns this offer may not bring Erie Coke into compliance. On July 1<sup>st</sup>, PADEP denied Erie Coke's application to renew its Title V operating permit and filed a complaint seeking to shut down the coke production facility following years of numerous environmental violations.

**PFAS exceedance in private wells near Dover Air Force Base, DE**

Preliminary unvalidated data for 4 private wells near Dover Air Force Base showed PFAS concentrations exceeding the Lifetime Health Advisory of 70 parts per trillion. Two are private residences, one is a shopping center and one is a professional building. The Air Force notified the owners and delivered bottled water to all the properties. Two other wells had PFAS detections below the Health Advisory. A total of 29 wells were sampled. The Air Force, EPA and the Delaware Department of Natural Resources and Environmental Control will work together to implement a long-term solution for the affected properties and evaluate whether additional private wells should be sampled. On-base PFAS releases were from firefighting foam.

**New Region 3 Video on Chlorine Meter Performance Verification**

Region 3, with assistance from EPA's contractors, recently completed a 25-minute training video that demonstrates the calibration verification procedures for measuring chlorine residual in the field. This video will help address frequent questions from drinking water utilities about proper calibration procedures and improve the accuracy of drinking water monitoring results for Safe Drinking Water Act (SDWA) compliance. The video covers both the more common calibration check using secondary standards, as well as calibration verification using primary standards as suggested in EPA Method 334. The video shows the equipment and supplies needed, how to prepare standard chlorine solutions and calculate dilutions, and how to perform the calibration verification. The video is posted on [ [HYPERLINK](https://www.youtube.com/watch?v=Lwn_Vmx6vQY&list=UUWKyw4ayahkG3pCF7OIMRHg&index=3)

"[https://www.youtube.com/watch?v=Lwn\\_Vmx6vQY&list=UUWKyw4ayahkG3pCF7OIMRHg&index=3](https://www.youtube.com/watch?v=Lwn_Vmx6vQY&list=UUWKyw4ayahkG3pCF7OIMRHg&index=3)" \h ] site.

**EPA Approves Maryland's SIP Certifying That the Baltimore Area's Vehicle Emission Inspection Program Meets Clean Air Act Requirements**

On July 11, EPA published a final rulemaking notice approving a state implementation plan (SIP) submitted by the State of Maryland. This SIP revision satisfies Clean Air Act (CAA) requirements for enactment of a vehicle emissions inspection and maintenance (I/M) program in the Baltimore area, which is classified as moderate nonattainment for the ozone National Ambient Air Quality Standards (NAAQS) established by EPA in 2008. EPA's final rule approves Maryland's certification that its existing I/M program meets all CAA applicable I/M requirements for the Baltimore Area.

### **EPA Redesignates the District of Columbia to Attainment for the 2008 Ozone NAAQS**

On July 16, a final rulemaking notice was published approving the redesignation of the District of Columbia (the District) from marginal nonattainment to attainment for the 2008 ozone national ambient air quality standards (NAAQS). The District was designated nonattainment for the 2008 ozone NAAQS as part of the Washington, DC-MD-VA 2008 ozone NAAQS marginal nonattainment area (the Washington Area). The redesignation of the District will be effective August 15, 2019. Once effective, the entire Washington Area will be designated attainment and the Region will meet its fiscal year 2019 goal for redesignations. Region 3 will prepare a press release to make the announcement.

### **Upcoming Major Decisions and Events**

Regional Administrator Cosmo Servidio has the following events and meeting scheduled:

- **July 23- Pamunkey Indian Tribe Visit; Pamunkey Reservation, King William County, Virginia-** First visit to a Region 3 federally recognized Indian tribe.
- **July 24- Keynote address at the Virginia Brownfields Conference, Norfolk, VA**

**Hot Topics****Mississippi Beach Closures**

**Key Message:** In coordination with ORD, the Region responded to a request from the Mississippi Department of Environmental Quality (MDEQ) to obtain contact information for a subject matter expert on green harmful algae blooms. Beaches remain closed and the Region maintains communication with MDEQ as they continue to monitor the situation. Media interest is high.

**Yazoo Backwater**

**Key Message:** On July 12<sup>th</sup>, the Corps submitted a summary of modeling results on wetland impacts for the Yazoo Backwater Area. The data incorporates information from the 2007 FSEIS and new data collected. Region 4 staff are currently reviewing the information and have scheduled follow-up discussion for July 19<sup>th</sup> to address the information submitted.

**Oak Ridge Reservation, TN**

**Key Message:** Focused Feasibility Study for Waste Water Management Dispute: The Region continues coordination efforts with Headquarters, legal, enforcement and OGC in support of briefing the Administrator on July 23<sup>rd</sup>. Region 4 Administrator Walker will attend the briefing.

**Nashville Metro Consent Decree**

**Key Message:** On July 24<sup>th</sup>, Region 4 Administrator Walker will meet with Tennessee Department of Environmental Conservation Commissioner David Salyers and Deputy Commissioner Greg Young regarding the Nashville Metro Consent Decree.

**Dog River Trash Traps (GOOD NEWS)**

**Key Message:** On July 11<sup>th</sup>, WKRG of Mobile ([wkrg.com/local-news/epa-grant-will-fund-programs-to-mitigate-trash-problem-in-dog-river-watershed](http://wkrg.com/local-news/epa-grant-will-fund-programs-to-mitigate-trash-problem-in-dog-river-watershed)) covered the GMD Cooperative Agreement that will soon award \$328,101 to the watershed group Dog River Clearwater Revival. The nonprofit will deploy litter traps in the Dog River watershed, and fund education and outreach through partnerships with stakeholders to help prevent trash from entering Dog River.

**Upcoming Major Decisions and Events****Westside Lead Public Availability Session**

On July 23<sup>rd</sup>, Region 4 will hold a public availability session regarding the ongoing sampling activities and efforts to gain access to additional properties for sampling. Properties in several Atlanta westside neighborhoods have soil with slag containing high levels of lead and arsenic due to the historic use of fill being used in the yards. Atlanta, GA. Open Press.

Airco Plating Superfund Site achieved SWRAU status on July 15, 2019.

Paducah SEC level Formal Dispute Resolution for both the C-400 Removal Notification and the Engineering Evaluation/Cost Analysis – July 26, 2019

**Hot Topics****Illinois EPA Released a Draft Sterigenics Construction Permit on July 15**

**Key Message:** The permit would require Sterigenics to improve emission control measures at its Willowbrook, Ill. facility.

The permit would require Sterigenics to comply with the recently passed legislation for commercial sterilizers in the state of Illinois, among other things. Improvements include the construction of a permanent total enclosure, additional air pollution control devices, and increased stack heights. The permit requires Sterigenics to perform initial and thereafter annual emissions testing and continuous monitoring of emissions from the stack with state-of-the-art technology, in addition to the quarterly ambient monitoring that is required under the new legislation. It also requires an emissions limit of 85 pounds of ethylene oxide per year. Illinois EPA will host a public meeting on Aug. 1, 2019, to accept oral comments on the draft permit. The Court would still have to approve Sterigenics' re-opening under any final permit.

To that end, on July 17, 2019, the State of Illinois, DuPage County and Sterigenics asked the Court to enter a proposed Consent Order that would resolve the People's Case and the Seal Order Litigation. The CD requires that Sterigenics adopt and report on the terms of its draft construction permit for the Willowbrook I facility, as well as provide \$300,000 for an environmental project, use best management practices for emission reductions, and obtain a construction permit with similar requirements for the Willowbrook II facility before it may operate that facility. If the consent decree is entered by the court, it will end Sterigenics' litigation against the state regarding the seal order imposed by IEPA.

**EPA, Ohio EPA, and ORSANCO Establish Schedule for Hamilton County and the City of Cincinnati to Control Discharges of Untreated Sewage**

**Key Message:** To prevent a stoppage in work resulting from the city and county's failure to develop a construction schedule needed to reduce billions of gallons of sewage overflows and basement backups, EPA, Ohio EPA, and ORSANCO exercised authority under a consent decree to establish the schedule themselves.

Hamilton County and the City of Cincinnati are under a CWA consent decree to address approximately 11 billion gallons of untreated sewage discharges annually and reduce basement backups. The first phase is complete, but disputes between the city and county has resulted in their failure to submit a phase 2 schedule. After two years of providing extensions, EPA, Ohio EPA, and ORSANCO are exercising authority that the consent decree provides to establish a schedule to ensure that work continues if the city and county failed to provide one themselves. The ten-year schedule should result in eliminating at least 2 billion gallons of untreated discharge annually at a cost of approximately \$1 billion. EPA, Ohio EPA and ORSANCO anticipate working with the city and county to ensure that work continues.

**EPA Receives 46 Applications for \$14 Million in Great Lakes Nutrient Reduction Grants**

**Key Message:** The region is currently reviewing the applications detailing the proposed nutrient reduction projects for the Great Lakes, including Lake Erie.



Of the \$30 million in grant applications, eight projects amounting to \$3.4 million propose the use of water quality trading and other market-based approaches for nutrient reduction. Other applications focus on accelerating the adoption of nutrient management through farmer-led outreach and education; riparian restoration to reduce runoff to the Maumee River; manure management to reduce nutrient runoff from farms; and green infrastructure to reduce stormwater runoff.

#### **EPA and Ohio to Promote Lead-Safe Homes for Children in Lorain County, Ohio**

Key Message: Region 5 will contact around 500 home renovation contractors, property managers and childcare providers to share up-to-date information on the lead reduction requirements in the Renovation, Repair and Painting (RRP) rule.

This summer, the Region is partnering with the Ohio Department of Health and the Lorain County Health Department to educate the public on how to protect children from lead-based paint risks. A drop in the number of RRP certifications and re-certifications suggest a portion of the renovation industry is unaware of the RRP rule or is not in compliance.

#### **Upcoming Major Decisions and Events**

#### **Administrator Wheeler to Visit Cleveland, Ohio, for Trash-Free Great Lakes Grant Program Announcement on July 19**

Key Message: The Administrator will be joined by RA Stepp to announce a new Great Lakes Restoration Initiative (GLRI) grant program specifically focused on funding innovative trash-free water programs in the Great Lakes.

#### **DRA Cheryl Newton to Meet with U.S. Army's Northern Regional Environmental and Energy Office (REEO-Northern) on July 22**

Key Message: DRA Newton will be meeting with the Director and the Regional Program Coordinator for EPA Regions 1 and 5 for REEO-Northern. This will be a meet-and-greet ahead of their participation in a semi-annual joint service environmental collaborative held at Region 5.

#### **Doug Benevento to Visit Region 5 July 22-23**

Key Message: During the visit, Doug will meet with Region 5 senior leadership and will participate in meeting/briefings that will provide updates on the region's Air Quality Strategy, Great Lakes National Program Office efforts and initiatives, activities in Opportunity Zones, the USS Lead Superfund site in East Chicago, Ind., and the Amphenol site in Franklin, Ind.

#### **COS Kurt Thiede to Speak at Environmental Permitting in Ohio Conference on July 24**

Key Message: COS Thiede will provide attendees with an update on current agency priorities and initiatives.

#### **Planning Teleconference Between Region 5 and Army Corp of Engineers (ACOE) on July 24**

Key Message: The parties will discuss the upcoming "Regional Partners" meeting in Chicago.

**Hot Topics****Tropical Storm Barry Activation, Louisiana**

On July 13, Hurricane Barry made landfall near Intracoastal City on the Louisiana coast and was soon downgraded to a tropical storm. Arkansas has informed us that the Dierks Water System and the water system it sells water to, North Howard Rural, are on boil water orders. This is in addition to the 6 water systems reported to be on boil water orders on July 16, 2019. This makes for a total of 8 water systems on Barry-related Boil Water Orders in Arkansas as of 1225 CDT on July 17, 2019.

**Homestake Mining Company Superfund Site Congressional Tour, Grants, New Mexico**

On July 19, EPA plans to participate in a tour of the Homestake site with congressional staffers from the offices of U.S. Senators Udall and Heinrich as well as other congressional offices along with representatives from New Mexico Environment Department. The congressional offices requested this tour after they met with representatives of the Bluewater Valley Downstream Alliance and Multi-cultural Alliance for a Safe Environment on June 18, in Albuquerque, NM.

**Mosaic Fertilizer LLC, St. James, Louisiana**

Mosaic-Uncle Sam received 3.4 inches of rain from Hurricane Barry. The facility reported having no problems managing the water, and design freeboard was maintained in all impoundments. A Region 6 On Scene Coordinator visited the site Saturday, July 13, met with facility representatives, discussed emergency preparedness, and took photographs of the impoundment most likely to exceed design freeboard in the event of a pump failure. The facility continued to operate during the storm and experienced no problems.

**Bird Creek Settlement, Osage County, Oklahoma**

EPA reached a settlement-in-principle with all the Bird Creek respondents. The Bird Creek Settlement Agreement has been approved by the Assistant Attorney General before DOJ and forwarded to the operators for signature. A complete permit package has been prepared for all wells affected by the settlement agreement and will proceed with UIC permit proposal when the settlement agreement is signed by all parties. EPA staff foresee having a finalized agreement before the end of July for this settlement to be finalized. The GW/UIC program has a complete permit package prepared for all wells affected by the settlement agreement and will proceed with the UIC permit proposal when the settlement agreement is signed by all parties.

**U.S. and TCEQ vs City of Houston, Texas**

The parties currently have a settlement in the judicial case. DOJ, Region 6, OECA, and TCEQ have approved the final consent decree (CD). Houston is in the process of reviewing and approving the CD and the City Council is scheduled to review [ [HYPERLINK "x-apple-data-detectors://2"](#) ] Once Houston approves the CD, the required signatures will be obtained, and the CD will be lodged with the court.

### **Jones Road, Soil Vapor Extraction System, Houston, Texas**

On July 16, 2019, the new Soil Vapor Extraction System, was delivered to the Jones Road site. Once installation is complete, the system will undergo a series of tests and is expected to be fully operational the week of July 29, 2019. EPA is expected to be at the site to oversee operations and meet with community members and tenants to answer questions and address their concerns. Community and media interest are expected to be high.

### **Upcoming Major Decisions and Events**

#### **Oklahoma Annual SIP Updates, Oklahoma**

By [ [HYPERLINK "x-apple-data-detectors://3"](#) ], EPA anticipates final approval of miscellaneous revisions to the Oklahoma SIP regulations. EPA supplemented its proposal and is working with OGC for response to adverse comments received. Final action will remove this SIP from the R6 SIP Backlog.

#### **Texas Title V Petition Resolution Letter, Texas**

By [ [HYPERLINK "x-apple-data-detectors://10"](#) ]26, EPA will respond to the state's June 2018 letter and subsequent discussions on how to resolve long-term EPA objections to Texas Title V air permits. OGC has provided a revised draft letter to Deputy AA of OAR on acceptability of draft response.

#### **Houston/Galveston/Brazoria** [ [HYPERLINK "x-apple-data-detectors://4"](#) ]

By [ [HYPERLINK "x-apple-data-detectors://6"](#) ], decision by HQ to finalize action to reclassify the HGB area from moderate to serious under the 2008 ozone NAAQS. TCEQ provided comments and asked for additional time to submit the serious area SIP revision and asked that EPA delay finalization of the bump up to allow consideration of potential exceptional events during 2018, which if approved, the area would be meeting the 2008 ozone NAAQS.

#### **DFW** [ [HYPERLINK "x-apple-data-detectors://6"](#) ]

By [ [HYPERLINK "x-apple-data-detectors://8"](#) ], decision by HQ to finalize action to bump up the DFW area from moderate to serious for the 2008 Ozone NAAQS. TCEQ provided both oral and written comments requesting that EPA delay the required serious SIP revision submission date from 12 months to 18 months.

#### **Arkansas Regional Haze Phase II SIP Revision, Arkansas**

By July 31, EPA anticipates final approval on the Arkansas Regional Haze Phase II SIP revision. On December 31, the comment period for EPA's proposed approval closed and adverse comments were submitted. The SIP revision addresses SO<sub>2</sub> and PM BART requirements for electric generating units (EGUs) and reasonable progress requirements for SO<sub>2</sub> and PM emissions and will replace a portion of the existing FIP.

[ [HYPERLINK "x-apple-data-detectors://12"](#) ]  
Colonias, El Paso, Texas

Emergency Preparedness Workshop for

July 30 International Emissions Inventory Conference, Dallas, Texas

[ [HYPERLINK "x-apple-data-detectors://13"](#) ]

SRI Event, Tulsa Fuel & Manufacturing

Superfund Site, Collinsville, Oklahoma

**Hot Topics****Big River Floodplain Public Availability Sessions held**

Key Message: EPA conducted three public availability sessions on July 8<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> with communities along the Big River to inform local communities of the potential of lead contamination on properties within the Big River floodplain.

- EPA sent a mailer to approximately 1,600 properties to property owners within the 100-year floodplain of the Big River prior to the meeting.
- Three NPL sites are impacted by the floodplain: Big River Mine Tailings, Southwest Jefferson County Mining, and Washington County Lead District – Old Mines.
- During the public availability sessions, EPA explained the site conditions and requested access to sample properties.
- Turnout was moderate, with 15-18 attending the first session, 35 the second session, and 15-18 attending the final session.
- No significant issues were presented by the community and several access agreements were collected.

**Caney Superfund Site Public Availability Session held**

Key Message: EPA held a public availability session on July 16<sup>th</sup> to update the community on the site progress and the possibility of NPL Listing.

- The Public Availability Session was held July 16<sup>th</sup> in Caney, KS.
- The primary purpose of the meeting was to inform the public about the current status of the site and the upcoming NPL listing process, as well as to acquire additional access agreements.
- The Caney Superfund Site is a lead smelter site with lead waste deposited within the community, including hundreds of residential properties.
- Under the EPA removal program, approximately 209 residential yards have been addressed. While the existing removal action construction is complete, the removal program can still address priority sites, such as those with children with elevated blood levels.
- EPA estimates less than 100 properties remain with contamination greater than 400 ppm that would likely be addressed through the remedial program.

**Briefing for Representative Cindy Axne's staff on the Des Moines TCE Site**

Key Message: On July 16<sup>th</sup>, EPA staff briefed Representative Cindy Axne's office on the Des Moines TCE Site.

- Representative Cindy Axne's office requested a full briefing on the Des Moines TCE Site.
- A briefing was held on July 16<sup>th</sup> to discuss the site history, recent EPA work, the costs of remaining site work, the enforcement history and the path forward.
- The Des Moines TCE Superfund Site is located in south-central Des Moines, Iowa. The site includes a 43-acre property, owned by Dico, Inc., which has essentially been abandoned since the mid-1990s. There are contaminated buildings on the site which are dilapidated.

- Contamination at the site consists of TCE and PCE groundwater plumes, as well as PCB, dioxin, and pesticide contaminated onsite soils and buildings, and pesticide contamination in sediments and surface water in an on-site pond.
- The United States recently received a favorable decision from the 8<sup>th</sup> Circuit in the litigation with Dico, Inc. and Titan Tire Corporation. EPA, Dico, and other interested stakeholders are continuing to work to encourage redevelopment of the Des Moines TCE Site.
- The Kaity Patchett, district director, of Rep Axne's office expressed her appreciation for the brief.

### **Sporlan Valve Plant #1 Public Meeting and Meeting with City Officials**

Key Message: On July 16<sup>th</sup>, meetings were held with city officials and the public to follow up on the listing of the site on the NPL.

- The site is a former refrigerator valve manufacturing facility that operated approximately from 1939 to 2003.
- Operations at the plant resulted in soil and groundwater contaminated by TCE.
- EPA's removal program has taken several actions, including installation of several vapor intrusion mitigation systems, to address immediate threats to human health.
- The site was finalized on the NPL and a Remedial Investigation/Feasibility Study will now be conducted.
- The Missouri Department of Natural Resources and the Missouri Department of Health and Senior Services participated in these meetings. One member of the media attended.

### **Upcoming Major Decisions and Events**

#### **Lead Region Coordinators College in Washington D.C. on July 23<sup>rd</sup>-25<sup>th</sup>**

Key Message: On July 23-25, 2019, Deputy Regional Administrator Ed Chu and appropriate Region 7 managers and staff will travel to Washington D.C. for the Lead Region Coordinators College in Washington D.C.

**Hot Topics**

**Denver Water Opens Public Comment Period on their Proposed Lead Reduction Program and Request for a Variance:** Denver Water announced the start of their public comment period on July 15, 2019. They will present on their proposal and listen to feedback at two public meetings next week. Denver Water is accepting comments through August 7, 2019 and intends to submit their final request for a variance to EPA on August 20, 2019.

**Upcoming Major Decisions and Events**

**Colorado Smelter Superfund Site, Pueblo, Colorado**

At the request of U.S. Senator Cory Gardner, RA Sopkin will join the Senator for a visit of Colorado Smelter Superfund Site on July 19, 2019. The Senator is interested in site progress, funding status, and community concerns. Local press is expected.

**Bonita Peak Mining District**

Next week RA Sopkin will tour the Bonita Peak Mining District and meet with various stakeholders in Durango and Silverton. Media engagement is planned with the Durango Herald and Silverton Standard.

**Hot Topics****Congressional visits**

Regional Administrator Mike Stoker will meet with Senator Feinstein's State Director and Senator Harris' District Director next Tuesday in their San Francisco offices to provide updates on key EPA areas of interest.

**Tribes**

Region 9 managers will participate in the quarterly Tribal Operations Committee meeting in Ft. Bragg, California. The agenda includes a full day of Brownfields training, a tribal-only caucus, various field demonstration projects, a children's cultural program, and the main day of meetings all under a very big tent, hosted by the Potter Valley Tribe (No. California).

**Drinking Water**

Enforcement Director Amy Miller and Region 9 managers met with the BIA State Director and the Indian Health Service on our shared efforts to bring the Grindstone Indian Rancheria into compliance with drinking water requirements. After several years of our technical assistance, plus 54 visits by our circuit rider, over \$1.4 million in USDA infrastructure funding, and at least three EPA enforcement orders (1984, 2017, 2019), our challenge remains. We have various strategies to address bacteriological and other operational violations.

**Upcoming Major Decisions and Events****Mexican Border**

We will support OITA in a Tijuana wastewater infrastructure tour for a U. S. Congressional delegation on Sunday, July 21. An estimated 16 Representatives and 5 staff will visit key areas in Tijuana to understand the challenges of wastewater collection, treatment and disposal in this densely urban area.

**Hot Topics****Federal Register Notice and Comment Period on Withdrawal of Federally Promulgated Human Health Criteria for Washington**

On July 22<sup>nd</sup>, EPA will publish a Federal Register Notice announcing the proposed withdrawal of the federally promulgated human health water quality criteria for toxics in Washington. In May 2019, EPA approved water quality criteria adopted by Washington that meet the requirements of the CWA, therefore EPA is now proposing to withdraw the corresponding federal criteria. The withdrawal, once finalized, will enable Washington to implement its EPA-approved human health criteria. The Federal Register Notice begins a 60-day comment period. Two on-line hearings will be held during the comment period and the Region 10 Regional Administrator continues to conduct tribal consultations on this action. During the week of July 22<sup>nd</sup>, the RA will consult with the Makah Tribe in northwest Washington.

**Upcoming Major Decisions and Events****Approval of Kalispel Tribe's Clean Air Act Class I Re-designation (WA)**

On July 18th, Region 10 will publish a Federal Register notice to finalize approval of the Kalispel Tribe's request to redesignate lands within the boundaries of its reservation to Class I under the Clean Air Act's Prevention of Significant Deterioration provisions. The final rule will become effective 30 days after the date of publication.

**Region 10 Administrator Attends the IOGCC in Denver**

On July 19th, Region 10 Regional Administrator, Chris Hladick will attend the International Oil and Gas Compact Commission Executive Committee in Denver.

**Pacific Northwest Environmental Directors' Meeting**

On July 22<sup>nd</sup>, Region 10 Administrator Chris Hladick will host the Pacific Northwest Environmental Directors' meeting in Seattle. Attendees include directors and commissioners from Alaska, Idaho, Oregon and Washington environmental agencies plus regional leadership from Environmental Canada and Climate Change, and the British Columbia and Alberta environmental ministries.



**Hot Topics**

• **Packages for Signature:**

- 2020 Ozone Depleting Substances Phaseout Rule (Proposed Rule)
- Proposed Determinations of Light-duty Vehicle Alternative Greenhouse Gas Emissions Standards for Small Volume Manufacturers
- Site Remediation RTR (Proposed Rule)

• **Packages at OMB for Review:**

- Vehicle Test Procedure Adjustments for Tier 3 Test Fuel (Proposed Rule; RECEIVED DATE: 02/25/2019)
- Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting (Proposed Rule; RECEIVED DATE: 03/21/2019)
- Amendments Related to Marine Diesel Engine Emission Standards (Proposed Rule; RECEIVED DATE: 04/10/2019)
- Renewable Fuel Standard Program: Modification of Statutory Volume Targets / RFS Reset (Proposed Rule; RECEIVED DATE: 05/20/2019)
- Integrated Iron and Steel RTR (Proposed Rule; RECEIVED DATE: 05/30/2019)
- Exceptional Events Guidance: Prescribed Fire on Wildland that May Influence Ozone and Particulate Matter Concentrations (Final Guidance; RECEIVED DATE: 05/20/2019)
- Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah (Region 8 Proposed Rule; RECEIVED DATE: 05/23/2019)
- Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (Final Guidance; RECEIVED DATE: 6/10/2019)
- Oil & Natural Gas Sector Emission Standards for new Reconstructed & Modified Sources Review (Proposed Rule; RECEIVED DATE: 6/10/2019)
- MSW Landfills Emission Guidelines Subpart Ba Requirements (Final Rule; RECEIVED DATE: 7/2/2019)
- Ethylene Production RTR (Proposed Rule; RECEIVED DATE 7/12/2019)

• **Packages Heading to OMB Soon**

- Light Duty Greenhouse Gas Program Technical Amendments (Final Rule)
- Strat Ozone - Section 608 Refrigerant Management – Revisions (Final Rule)
- MATS Coal Refuse-Fired Units Review (Final Rule)
- Organic Liquids Distribution (OLD) RTR (Proposed Rule)
- MON RTR (Proposed Rule)

## **Upcoming Major Decisions and Events**

### **Next week: Release of the Fourth Diesel Emissions Reduction Act (DERA) Report to Congress**

The Report summarizes the program's accomplishments from FY 2008-2013 and discusses final and estimated results from FY 2014-2016. The DERA program provides rebates and grant funding to replace older diesel vehicles and engines with equipment that meets or exceeds current emissions standards

## **Hot Topics**

### **Rules/Guidance Out for Public Comment**

- 7/28/19: Notice: Pesticides; Draft Guidance for Pesticide Registrants on Plant Regulator Label Claims, Including Plant Biostimulants; Notice of Availability (Published: 3/27/2019; FRL-9986-27)
- 8/30/19: Notice: Draft Toxic Substances Control Act (TSCA) Risk Evaluations and TSCA Science Advisory Committee on Chemicals (SACC) Meetings; Cyclic Aliphatic Bromide Cluster (HBCD) and 1,4-Dioxane; Notice of Availability and Public Meetings (Published: 7/1/2019; FRL-9995-40)
- [Pending publication]: NPRM; Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h) (Published: pending; FRL-9995-76)

## **Upcoming Major Decisions and Events**

### **Senate Agriculture Hearing on Hemp**

On July 25, OCSPP Assistant Administrator Alexandra Dunn will provide testimony on EPA's regulatory role and activities on hemp for a Senate Committee on Agriculture, Nutrition and Forestry hearing on "Hemp Production and the 2018 Farm Bill". Officials from USDA and FDA will also provide testimony.

### **Site Visits to OxyChem and BASF Chemical Manufacturing Facilities**

July 24 and 25, OPPT managers and staff will visit OxyChem and BASF chemical manufacturing sites in Louisiana. The visits will assist OPPT in learning about current trends in chemical manufacturing, processing, distribution, and disposal. Areas of particular interest include learning about how chemicals are managed at manufacturing sites, how to minimize releases of chemicals, worker protection programs, and various engineering controls to reduce workplace exposure to chemicals.

### **Ag WPS Revision to Application Exclusion Zone (AEZ) Requirements NPRM**

The required letters to start the FIFRA statutory review process for OPP's forthcoming draft proposed rule, "Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements," were sent to Congress July 12. September 15 is the projected signature date of the NPRM.

**Hot Topics**

- In coordination with OW and OLEM, OCFO submitted a draft operating plan to OMB on July 12 for the \$414 million appropriated for EPA in the 2019 disaster supplemental. The operating plan is due to Congress on July 22 after OMB clearance and OCIR/OGC approval.
- OCFO continues to work with OCIR, OGC, and the programs to prepare responses to the SAC, HAC, and HEC QFRs.

**Upcoming Major Decisions and Events**

- As a follow up to the July 17 Senior Leadership Council meeting, the CFO will request senior leadership to identify their top multiyear proposals and rank enterprise risks. OCFO will also be scheduling meetings with the Acting DA and the Administrator for final decisions for the FY 2021 OMB Budget submission.

**Other**

- The next issue of the E-Enterprise Bulletin is scheduled for release on July 31. Prior to publication, the final draft will be reviewed by OPA.

**Hot Topics**

- **July 22-** House Committee on Science, Space, and Technology's Subcommittee on Environment will hold a field hearing on Weathering the Storm: Improving Hurricane Resiliency Through Research. The hearing will be held in Texas' 7th Congressional District, in Houston, Texas
- **July 24-** House Oversight, Environment Subcommittee will hold a hearing on: PFAS Chemicals (No EPA Witness)
- **July 24 -** House Committee on Energy and Commerce's Subcommittee on Environment and Climate Change will hold a hearing entitled, "Building America's Clean Future: Pathways to Decarbonize the Economy
- **July 24-** House Committee on Energy and Commerce's Subcommittee on Consumer Protection and Subcommittee on Commerce will hold a hearing entitled, "Legislation to Make Cars in America Safer
- **July 25-** Senate Agriculture will hold a hearing on, Hemp Production and the 2018 Farm Bill (EPA Witness: Alex Dunn, AA for Office of Chemical Safety and Pollution Prevention) Other Agencies Testifying: FDA, USDA
- **July 25-** House Committee on Transportation and Infrastructure's Subcommittee on Railroads, Pipelines, and Hazardous Materials will hold a roundtable entitled, "Railroad Shippers Roundtable
- **July 25-** House Committee on Science, Space, and Technology's Subcommittee on Research and Technology will hold a hearing entitled, "Benign by Design: Innovations in Sustainable Chemistry
- **July 25-** Senate Committee on Energy and Natural Resources will hold a full committee hearing on Energy Innovation
- **July 31-** OAR will hold a hearing about the proposed RFS annual rule; the hearing will be held at the Eagle Crest in Ypsilanti, MI.

**Upcoming Major Decisions and Events**

- **July 23-** Bipartisan staff briefing for House Energy and Commerce Committee/ Oversight and Investigations Subcommittee on oil spill response planning

- **July 31-** As follow-up to a presentation from the Office of Resource and Conservation and Recovery's (ORCR) leadership during the National League of Cities' Annual Congressional City Conference, OIR is managing EPA's participation in a conference call featuring NLC members and ORCR.

**Hot Topics****Expectations for Implementation of the National Compliance Initiative (NCI) on reducing the Clean Water Act NPDES Significant Noncompliance (SNC) Rate**

On July 12, 2019, OECA Assistant Administrator Susan Bodine issued a memorandum on the Regional Role in Reducing the NPDES SNC Rate. The memorandum communicates expectations for carrying out the NCI on reducing the NPDES SNC rate, including working with authorized states. The NPDES SNC NCI implements the EPA's 2018-2022 Strategic Plan and the associated Strategic Measure and Priority Goal to increase compliance.

**Biodiesel Firm Sentenced to Probation, Fines for Clean Water Act Violations**

On July 8, 2019, American Biodiesel, Inc. was sentenced to a three-year probation, \$401,000 in fines, and \$256,206 in restitution for violations of the Clean Water Act. American Biodiesel, Inc., d/b/a as Community Fuels, manufactured biodiesel fuel on property leased from the Port of Stockton, California. American Biodiesel, Inc. admitted to allowing the discharge of industrial wastewater into the City of Stockton sewer system in violation of Stockton permitting regulations and the federal Clean Water Act. American Biodiesel, Inc. also admitted to tampering with pH recordings and flow meters for the purpose of underreporting acid and pollutant levels and volumes that exceeded the amounts allowed under the City's regulations.

**Two Managers Sentenced in Case Involving the Illegal Production and Distribution of Pesticides**

On July 12, 2019, Richard Guglielmo, Jr., President of Flexabar Corporation and Andrew Guglielmo, CEO and CFO, were each sentenced in the District of New Jersey to 12 months of home incarceration and ordered to pay a criminal fine of \$20,000 after pleading guilty to conspiracy to defraud the United States by violating federal pesticide control laws. For close to 20 years, the defendants engaged in a scheme to produce and sell paints containing the pesticide tributyltin (TBT) for unapproved uses and then continued to sell them after all uses for TBT were banned. The primary market for Flexabar's TBT antifoulants was the fishing industry, mainly for use on crab traps and lobster pots in the Chesapeake Bay and along the Atlantic coast.

**Notice of Availability of Partnership Policy Published in Federal Register**

On July 19, 2019, a notice of availability will be published in the Federal Register regarding OECA's final policy on Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work. The policy describes procedures and practices for effective coordination between EPA and states when carrying out shared responsibilities under environmental laws.

**Upcoming Major Decisions and Events**

During the week of July 22, 2019, OECA managers will meet with the current OECA Lead Region Coordinators and the new Coordinators selected for FY2020-FY2022 when they are in Washington, D.C. for the Lead Region College.

**Hot Topics*****Upper Missouri Waterkeeper v. EPA*, No. 16-00052 (D. Mont. filed July 16, 2019)**

New Decision: The court remanded and vacated EPA's approval of the 17-year term of Montana's Water Quality Standards variance for nutrients with instructions that the Montana Department of Environmental Quality (DEQ) adopt a new timeline for the state's variance within 120 days, and that EPA complete its review within 90 days of DEQ's submission. The order directs the agencies to set forth a reasonable schedule to meet the relaxed variance standard and that leads to compliance with DEQ's underlying base nutrient criteria. The court stayed its vacatur until EPA approves a replacement variance in accordance with the court's order.

***Northwest Environmental Advocates v. EPA*, No. 19-01051 (W.D. Wash. filed July 9, 2019)**

New FOIA Litigation: Northwest Environmental Advocates filed a complaint against EPA concerning three FOIA requests submitted to EPA in early 2019, seeking documents generally related to Clean Water Act total maximum daily loads in Washington and certain chemical compounds.

***Center for Food Safety v. EPA*, No. 19-2002 (D.D.C. filed July 3, 2019)**

New FOIA Litigation: The Center for Food Safety filed a complaint against EPA, concerning an August 31, 2018 FOIA request submitted to EPA. The FOIA request seeks documents related to communications between certain EPA personnel with Monsanto Company regarding XtendiMax.

**New NOI**

By letter dated July 10, 2019, Sierra Club submitted a notice of intent to sue under the CAA for EPA's alleged failure to find that certain states and territories have failed to submit State Implementation Plans (SIPs) addressing the CAA "good neighbor" provision for the 2015 ozone NAAQS. The states were to submit the SIPs by October 1, 2018, and the NOI alleges that EPA was required to make the findings of failure to submit no later than April 1, 2019.

**Upcoming Major Decisions and Events**

- Nothing to report this week.



**Hot Topics****G7 Foreign Affairs Preparatory Meeting**

The G7 Foreign Affairs Sous Sherpa (FASS) Meeting was held in Paris last week and EPA provided comments to the State Department on a new set of French-proposed coalitions on climate, biodiversity and oceans for the G7 Leaders Summit on August 24-26. France envisions three components of the leaders' discussions on oceans, climate and biodiversity at the Summit - mobilizing climate finance, endorsement of the Metz Biodiversity Charter (adopted at G7 Environment Ministerial Meeting in May), and endorsement of the proposed coalitions. The U.S. raised its concerns about the endorsement of non-consensus coalitions.

**Ship-Based Marine Plastic Litter**

EPA (OITA, OLEM, OW) provided comments on the first draft of a Strategy to Reduce Marine Plastic Litter from Ships being developed for the International Maritime Organization (IMO). The draft strategy is being developed through an intersessional group chaired by Singapore; NOAA and Coast Guard serve as the U.S. members. The final version of the strategy is expected to be completed by December 2019 and will be considered at the April 2020 meeting of the IMO Marine Environment Protection Committee, which EPA is a member.

**Region 6 Regional Tribal Operations Committee**

OITA Assistant Administrator Chad McIntosh and Acting Regional Administrator David Gray participated in the Region 6 Regional Tribal Operations Committee (RTOC) meeting in New Mexico. OITA AA also visited the Santa Clara Pueblo and met with Governor Chavarria.

**Upcoming Major Decisions and Events**

July 22: EPA (Region 9 and OITA) will participate in a **Congressional delegation visit to Tijuana, Mexico**, to discuss environmental issues along the border. The Congressional delegation will meet with the US Consul General in Tijuana and receive a presentation by EPA. In addition, they will visit Punta Banderas sewage treatment plant and tour the Tijuana River Canal and Los Laureles Canyon.

July 22: OITA will meet with the Executive Director of the **Taiwan Ocean Affairs Council** to discuss cooperation on marine litter in Asia.

**Hot Topics**

**Coal Combustion Residuals (CCR).**

- a. CCR Phase 2 proposed rule (package 1) – OMB concluded review on July 15. We anticipate the package coming through the OLEM AA soon to OP.
- b. CCR permitting NPRM – OLEM is incorporating OGC's comments.
- c. CCR litigation packages (package 2, parts A and B) are undergoing review within OLEM and OGC.

**Clean Air Act 112(r) Risk Management Program (RMP)**

We are working towards getting the rule package to OP for OMB review in early August.

**Ongoing major Superfund NPL sites**

We are working with Region 1 on Centredale, Region 2 on Woodbrook Road Dump, Region 4 on Oak Ridge, Region 8 on Anaconda Smelter, and Region 10 on Portland Harbor and Quendell Terminal.

**CERCLA 108(b) Financial Assurance (next three sectors)**

We anticipate FR publication for Industry 1 soon. A public webinar is scheduled for July 18.

**Aerosol Cans Final Rule**

We anticipate distribution of the rule package to the workgroup for review on July 22. Workgroup Closure is expected on August 13.

**PFAS**

- a. PFOA and PFOS contaminated groundwater guidance. OLEM is developing potential options for next steps on the guidance in consideration of the public comments.
- b. Working on inclusion as "hazardous substances" under CERCLA.

**Upcoming Major Decisions and Events**

**Superfund Site Visit**

On July 24, Peter Wright and Steven Cook will join Region 3 to attend listening sessions with local officials and the Community Advisory Group at the BoRit Superfund site. They will also meet with the BoRit site team, RPMs and CICs to get input on Superfund risk communication issues.

**ECOS Call**

On July 26, OLEM will join in a conference call with ECOS to provide an update on recycling and food waste development and for a general discussion.

**Texas Environmental Superconference**

On August 2, Steven Cook will participate in a CERCLA discussion at this conference in Austin, TX.

**Clean Water Act Hazardous Substances Spill Prevention (SPLASHs) Final Rule**

OMB determined the rule to be non-significant; as such, we are working on the signature package and getting materials ready for submittal to the docket. We anticipate the rule package moving to OP for signature in early August.

## **Hot Topics**

### **Customer Satisfaction Survey Results Published**

On July 12, 2019, the Office of Mission Support disseminated to the EPA acquisition community survey results from the second annual Office of Acquisitions Solutions Customer Satisfaction Survey. The survey results are posted at [ [HYPERLINK "https://oamintra.epa.gov/node/902"](https://oamintra.epa.gov/node/902) ].

### **EPA.gov Advanced Search Engine Released**

The Office of Mission Support released an advanced search feature on EPA.gov. Visitors to the EPA.gov websites now can filter to include and exclude key words in only the title, only the URL or anywhere in the resource. Visitors can also search for exact phrases and any or all searched words. The advanced search feature on EPA.gov saves the public time in finding desired information.

### **Financial Monitoring Review Training Conducted**

On July 2, 2019, the Office of Mission Support presented to the EPA acquisition community the first of several training sessions on Financial Monitoring Reviews. The training content covered the basics of financial monitoring reviews, benefits of conducting reviews and lessons learned.

### **EPA's Acquisition System Office Hours for Buyers Launched**

On July 11, 2019, the Office of Mission Support launched virtual EAS Office Hours for Buyers. This virtual one-on-one training provides EAS Buyers with expert help on EAS process, specific solicitations or awards within EAS. The next session will be held on July 18, 2019, from 1:30-5:00 p.m. EDT.

## **Upcoming Major Decisions and Events**

### **Mandatory Training**

All five FY 2019 mandatory training courses have been loaded to FedTalent and are available for EPA employees to complete. Each of the required courses must be completed no later than September 30, 2019

**Hot Topics****GAO Entrance Conference**

In late July, the Office of Federal Activities will join Regions 6 and 10 for a GAO entrance conference on “Coordination of LNG Export Facility Permitting Process” led by FERC, MARAD, and Coast Guard.

Subject	OMB Due Date
DOE FRM: Energy Conservation Program: Definition for General Service Lamps	07/19/2019
DOE/OEM IFRM: Elemental Mercury Storage Fees	07/31/2019
DoD/ACE NPRM (Pass-back): Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers	N/A

Documents Sent to the OFR from July 12-18, 2019		
FRL #	Title	Date Sent to FR
9997-02-OAR	Allocations of Cross-State Air Pollution Rule Allowances from New Unit Set-Asides for 2019 Control Periods	07-18-2019
9994-33-OCSP	Notification of Submission to the Secretary of Agriculture; Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements	07-16-2019
9996-53-OAR	Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021, Response to the Remand of the 2016 Standards, and Other Changes	07-16-2019
9996-74-Region 4	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Escambia Wood - Pensacola Superfund Site	07-16-2019
9996-76-Region 4	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Townsend Saw Chain Co. Superfund Site	07-16-2019
9996-91-Region 4	Air Plan Approval; KY: Existing Indirect Heat Exchangers for Jefferson County	07-16-2019
9993-47-OMS	Transportation Conformity Determinations for Federally Funded and Approved Transportation Plans, Programs and Projects (Renewal)/ICR 2130.06	2019-07-15
9995-95-OMS	NESHAP for Perchloroethylene Dry Cleaning Facilities (Renewal)/ICR 1415.12	07-15-2019
9996-69-Region 10	Oregon: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference	07-15-2019
9996-46-OMS	NSPS for Nitric Acid Plants (Renewal)/ICR 1056.13	07-15-2019
9996-86-OECA	Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work	07-15-2019
9996-68-Region 10	Oregon: Final Approval of State Underground Storage	07-15-2019

	Tank Program Revisions, Codification, and Incorporation by Reference	
9996-90-Region 8	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Idaho Pole Company Superfund Site	2019-07-15
9996-56-Region 1	Massachusetts: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference	07-12-2019
9996-67-Region 10	Indian Country: Air Quality Planning and Management; Federal Implementation Plan for the Kalispel Indian Community of the Kalispel Reservation, Washington; Redesignation to a PSD Class I Area	07-12-2019
9996-54-OAR	Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021, Response to the Remand of the 2016 Standards, and Other Changes	07-12-2019
9996-55-Region 1	Massachusetts: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference	07-12-2019

### **Upcoming Major Decisions and Events**

#### **Environmental Justice Training for States**

On July 23, as part of a national training series developed in cooperation with states, the Office of Environmental Justice will hold a webinar on environmental justice methodologies that can be used by state practitioners during NEPA reviews.

**Hot Topics**

Next week ORD looks forward to Henry Darwin joining us for ORD's Senior Leadership meeting in Washington DC. We will discuss our reorganization, the status of our 2019-2022 research planning and implementation, and devote an entire day to ELMS. We're honored that author Terence Barnhart of "Creating a Lean R&D System: Lean Principles and Approaches for Pharmaceutical and Research-based organizations" will join us.

**Tire Crumb Study**

On July 25<sup>th</sup>, ORD will release Part 1 of the Synthetic Turf Field Recycled Tire Crumb Rubber Characterization Research Under the Federal Research Action Plan. This report is part of the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds, a multi-agency research effort by EPA, the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry (CDC/ATSDR), and the Consumer Product Safety Commission (CPSC) to characterize the chemicals associated with recycled tire crumb rubber and to identify the ways in which people may be exposed to those chemicals based on their activities on synthetic turf fields. The Part 1 Report summarizes results on a range of chemicals that were found in the recycled tire crumb rubber. In general, the study findings support the premise that while many chemicals are present as expected in the recycled tire crumb rubber, human exposure appears to be limited based on what is released into air or biological fluids. ORD is coordinating closely with CDC/ATSDR and CPSC as well as other federal agencies.

**Technical support: modeling benzene in drinking water**

ORD scientists recently completed modeling support of free benzene in drinking water systems, a result of the Paradise, CA, wildfires. The extreme heat of the fires released benzene from PVC piping. Now that residents are returning to the area, there is concern over when and how the benzene can release into the water. Region 9 held a public meeting on July 15, during which ORD's modeling and recommendations were included in the discussion.

**Technical support: corrosion control in Denver, CO**

The City of Denver recently completed a study to evaluate different corrosion control methods for their drinking water system and shared the results with EPA Region 8. The Region shared the data with ORD for expert feedback on the results.

**Upcoming Major Decisions and Events****Support to Region 4 In Superfund Ecological Risk Assessment**

On July 22- 25, 2019, ORD will join Region 4 scientists to conduct field sampling at the Fairfax Street Wood Treaters Superfund Site in Jacksonville, Florida. The research is part of a Regional Applied Research Effort to assess heavy metal bioavailability in sediments, scientists will sample water and sediment along a creek and stormwater retention pond that were contaminated by arsenic, chromium, and copper in runoff from the Superfund site. Region 4 is conducting an ecological risk assessment of the contaminated creek.

**EPA SBIR Phase I Solicitation Currently Open (June 13- July 31)**

ORD announced the new Small Business Research Innovation (SBIR) solicitation for 2020 Phase I funding on June 13, 2019. The RFA opened for applications and remains open through July 31. The SBIR Program helps small businesses to develop and commercialize innovative technology solutions to environmental issues. This year's solicitation is focused on topics in six broad areas including clean and safe water, air quality, land revitalization, homeland security, sustainable materials management and safer chemicals. SBIR projects are funded in 2 phases, with Phase I being "proof of concept" and Phase II being "development and commercialization" of the technology. Commercialization of the technology is stressed in both phases. EPA provides expert one-on-one commercialization assistance for each project starting with in-person consultations at the Phase I kick-off meeting.

**Supporting Superfund Cleanup in Idaho**

Next week, ORD scientists will collect sediment samples in the Lane Marsh area of the Coeur d'Alene River lower basin in Idaho, part of the Bunker Hill Mining and Metallurgical Complex Superfund Site. Centuries of silver mining and smelting have left lead and other heavy metals in the marshes and migrating waterfowl, such as tundra swans, often ingest these contaminated sediments while feeding on marsh plant roots and tubers. This joint project with Region 10 will add various types of biochar (charcoal used as a soil amendment, or additive) to these samples from a tundra swan feeding area to see if biochar amendments are a viable way to reduce lead bioavailability.



**Hot Topics****Preliminary Effluent Guidelines Plan**

As early as this week, OW expects to send to the draft Preliminary Effluent Guidelines Plan 14 for transmittal to OMB for Interagency Review. Preliminary Plan 14 identifies any new or existing industrial categories selected for effluent guidelines or pretreatment standards and provides a schedule for their development. The EPA typically publishes a preliminary plan for public comment before publishing the final plan.

**Steam Electric Reconsideration for OMB Review**

As early as next week, OW expects to send the draft Steam Electric effluent limitations guidelines and standards (ELGs) proposed rule for transmittal to OMB for Interagency Review. The EPA is proposing a regulation to revise the technology-based ELGs for the steam electric power generating point source category applicable to flue gas desulfurization (FGD) wastewater and bottom ash (BA) transport water. This proposal will reduce the costs imposed by ELGs, while removing additional pollutants discharged to surface waters from power plants as compared to the Steam Electric Power Generating Effluent Guidelines 2015 rule.

**New York Rec Proposal**

As early as next week, OP will move the *Federal Recreational Water Quality Criteria Applicable to Certain Waters in New York* Proposed Rule forward to the Office of Management and Budget. The EPA is proposing to establish federal Clean Water Act recreational water quality criteria for protection of primary contact recreation in certain marine waters under New York's jurisdiction to protect human health from the effects of exposure to harmful levels of pathogens.

**Waters of US Repeal of 2015 Rule**

Last week, the Office of Water and the Department of Army sent the final rule, Definition of "Waters of the United States" and Recodification of Pre-Existing Rules, to OMB for interagency review. This final rule would remove the 2015 rule from the CFR and replace it with the predecessor regulations. Following this action, the agencies will complete a second rulemaking to revise the definition of waters of the United States.

**Water Quality Certification Proposed Rule**

On July 11, the Office of Water transmitted the draft Water Quality Certification proposed rule to OMB for interagency review. OMB is expected to expedite its review of the proposed rule that modernizes the 401 water quality certification regulations, making it possible to stay on track for meeting the 120-day Executive Order 13868 deadline. The proposed regulation clarifies and streamlines the 401 certification process in response to Executive Order, "Promoting Energy Infrastructure and Economic Growth."

## **Upcoming Major Decisions and Events**

### **Compensatory Mitigation for Losses of Aquatic Resources**

Next week, Deputy Assistant Administrator Lee Forsgren will deliver opening remarks for the Compensatory Mitigation webinar with states. The EPA and the Army Corps are planning to propose revisions to their jointly-promulgated regulations titled, “Compensatory Mitigation Losses of Aquatic Resources.” Closed press.

### **Webinar Series with USDA Stormwater Financing Solutions for Nutrient Reductions**

Next week, the final webinar of a four part series on financing nutrient reductions will be taking place, co-hosted by EPA and the U.S. Department of Agriculture. This webinar will discuss financing options for solutions for reducing nutrients in stormwater. Open to the public.